THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12947 of 2007

Dated:25.06.2007

Between:

Pidatala Pitchamma.

…Petitioner

and

The Tahasildar and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12947 of 2007

ORDER:

The petitioner is a resident of Pochampalli Village of Jaggayyapet Mandal in Krishna District. She is allegedly residing in a hut constructed in the land admeasuring Ac.0.02 cents comprised in R.S.No.311/2A of the said Village, which she occupied about thirty years back, and obtained residential certificate from revenue authorities. When she removed her hut with an intention to construct a house under Indiramma Housing Scheme, the third respondent interfered with the construction. Questioning the same, she filed a suit, being O.S.No.154 of 2007, on the file of the Court of the Junior Civil Judge, Jaggayyapet, which is pending. The petitioner alleges that on 19.06.2007 the first respondent, at the instance of the third respondent, directed her to stop the construction, stating that the said land is Gramakantam poramboke land. Apprehending forcible dispossession, the present Writ Petition is filed.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue, this Court is of considered opinion that the Writ Petition is filed on a mere apprehension even before the respondents initiated any action. Further, when she already filed suit simultaneously, a Writ Petition would not lie. Be that as it is, as the learned Counsel does not dispute the legal position, this Court observes that if for any reason the petitioner has to be evicted, and if she is in possession of the land as on today, she cannot be dispossessed without following due process

of law. This observation is made to safeguard the interest of the petitioner. This Court also observes that the Court of the Junior Civil Judge, Jaggayyapet, shall decide suit and Interlocutory Applications, if any, independently, without being influenced by this order.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

25.06.2007
vs